

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRIAN L. BALDERSON

Petitioner,

-vs-

MICHELE MILLER,
Warden,

Respondent.

: CASE NO. 1:11 CV 00195
:
:

: ORDER ADOPTING REPORT AND
: RECOMMENDATION AND
: DISMISSING THE PETITION WITH
: PREJUDICE
:
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Proceeding pro se, plaintiff Brian Balderson brings a habeas corpus petition, pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his conviction following a plea of nolo contendere to charges of forgery, possessing criminal tools, theft, and attempted theft. This matter was referred to United States Magistrate Judge Kathleen B. Burke for a Report and Recommendation (“R&R”) pursuant to Local Civil Rule 72.2. Reviewing Petitioner’s five grounds for relief on their merits, Magistrate Judge Burke finds the Ohio Court of Appeal’s decisions neither contrary to nor an unreasonable application of federal law. (Doc. 13). Accordingly, she recommends this Court deny the Petitioner’s habeas writ without an evidentiary hearing, and dismiss the action with prejudice.

Objections were due by 19 March 2012. No party has objected to the Magistrate Judge’s R&R. Therefore, this Court will presume the parties are satisfied with the

determination. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. Mr. Balderson's petition will be dismissed with prejudice.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Date: 16 April 2012